

HOUSE BILL No. 1905

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-1-1.5-1; IC 22-4.

Synopsis: Technical corrections. Makes technical corrections in the unemployment compensation statute.

Effective: July 1, 2003.

McClain

January 23, 2003, read first time and referred to Committee on Labor and Employment.

C
o
p
y



Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1905

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-1-1.5-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. All personnel
3 ~~excepting except~~ the commissioner of labor and ~~his the~~
4 ~~commissioner's~~ deputies shall be employed according to ~~the~~
5 ~~provisions of the "State Personnel Act," the same being IC 1971,~~
6 ~~IC 4-15-2.~~

7 SECTION 2. IC 22-4-2-12 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. "Base period"
9 means the first four (4) of the last five (5) completed calendar quarters
10 immediately preceding the first day of an individual's benefit period.
11 ~~Provided, However, That~~ for a claim computed in accordance with
12 ~~IC 1971,~~ IC 22-4-22, the base period shall be the base period as
13 outlined in the paying state's law.

14 SECTION 3. IC 22-4-2-32 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 32. "Payment in lieu of
16 contributions" means the required reimbursements by employers of
17 benefits paid attributable to services performed for such employers

2003

IN 1905—LS 7398/DI 75+



C
o
p
y

which are liable to make these payments as provided in ~~IC 1971,~~
~~IC 22-4-10-1. of this article.~~ These payments shall equal the amount of
 regular benefits and one-half (1/2) of the extended benefits paid as are
 attributable to services in the employ of such liable employers.

SECTION 4. IC 22-4-2-33 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 33. The term "new
 work" wherever used in this article including ~~IC 1971,~~ IC 22-4-15-2
 means:

- (a) (1) work offered to an individual by an employer with whom
~~he the individual~~ has never had a contract of employment;
- (b) (2) work offered to an individual by ~~his the individual's~~ last
 employer or any other employer with whom ~~he the individual~~
 does not have a contract of employment at the time the offer is
 made; and
- (c) (3) work offered to an individual by ~~his the individual's~~
 present employer of:
 - (i) (A) different duties from those ~~he the individual~~ has
 agreed to perform in ~~his the individual's~~ existing contract of
 employment; or
 - (ii) (B) different terms or conditions of employment from
 those in ~~his the individual's~~ existing contract.

SECTION 5. IC 22-4-9-3 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Any employer subject to ~~the~~
~~this~~ article as successor to an employer pursuant to ~~the provisions of~~
~~subsections (a) or (b) of IC 1971, 22-4-7-2 hereof~~ **IC 22-4-7-2(a) or**
IC 22-4-7-2(b) shall cease to be an employer at the end of the year in
 which the acquisition occurs only if the board finds that within such
 calendar year the employment experience of the predecessor prior to
 the date of disposition combined with the employment experience of
 the successor subsequent to the date of acquisition would not be
 sufficient to qualify the successor employer as an employer under the
 provisions of ~~IC 1971, IC 22-4-7-1. Provided, that no such~~ **A** successor
 employer may ~~ceased not cease~~ to be an employer subject to this article
 at the end of the first year of the current period of coverage of the
 predecessor employer. If all of the resources and liabilities of the
 experience account of an employer are assumed by another in
 accordance with the provisions of ~~IC 1971, IC 22-4-10-6 or~~
~~IC 22-4-10-7, hereof,~~ such employer's status as employer and under
 this article is hereby terminated unless and until such employer
 subsequently qualifies under ~~the provisions of IC 1971, IC 22-4-7-1 or~~
~~IC 22-4-7-2 hereof~~ or elects to become an employer under ~~IC 1971,~~
 IC 22-4-9-4 or IC 22-4-9-5.



C
o
p
y

(b) If no application for termination, as herein provided, is filed by an employer and/or if four (4) full calendar years have elapsed since any contributions have become payable from such employer, then and in such cases the board may terminate such employer's experience account.

SECTION 6. IC 22-4-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) When an employing unit (whether or not an employing unit prior thereto) assumes all of the resources and liabilities of the experience account of a predecessor employer, as provided in ~~IC 1971~~, IC 22-4-10-6, ~~hereof~~, amounts paid by such predecessor employer shall be deemed to have been so paid by such successor employer. The experience of such predecessor with respect to unemployment risk, including but not limited to past payrolls and contributions, shall be credited to the account of such successor.

(b) The payments of benefits to an individual shall not in any case be denied or withheld because the experience account of an employer does not reflect a balance and total of contributions paid to be in excess of benefits charged to such experience account.

SECTION 7. IC 22-4-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. An unemployed individual shall be eligible to receive benefits with respect to any week only if ~~he the individual~~ has made a claim for benefits in accordance with ~~the provisions of IC 1971~~, IC 22-4-17-1. ~~hereof~~; ~~Provided~~, However, ~~That~~ a person accepting layoff under an inverse seniority clause of a validly negotiated contract ~~be is~~ entitled to all benefits as any other unemployed person under the terms of this article ~~Provided~~, ~~That he if the individual~~ meets the other requirements of this article.

SECTION 8. IC 22-4-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. Except as provided in ~~IC 1971~~, IC 22-4-22, an individual shall be ineligible for waiting period or benefit rights for any week with respect to which or a part of which ~~he the individual~~ receives, is receiving, has received, or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States. ~~Provided~~, ~~That~~ This disqualification shall not apply if the appropriate agency of such other state or of the United States finally determines that ~~he the individual~~ is not entitled to such employment benefits, including benefits to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. Chapter 85.

SECTION 9. IC 22-4-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The board shall enter

C
o
p
y



1 into arrangements with the appropriate agencies of other states or
2 jurisdictions or the United States of America whereby individuals
3 performing services in this and other states or jurisdictions for a single
4 employing unit under circumstances not specifically provided for in
5 ~~IC 1971, IC 22-4-8-2(b) of this article;~~ or under similar provisions in
6 the unemployment compensation laws of such other states or
7 jurisdictions, shall be deemed to be employment performed entirely
8 within this state or within one (1) of such other states or jurisdictions,
9 and whereby potential rights to benefits accumulated under the
10 unemployment compensation laws of several states or jurisdictions, or
11 under such a law of the United States of America, or both, may
12 constitute the basis for the payment of benefits through a single
13 appropriate agency under the terms which the board finds will be fair
14 and reasonable to all affected interests and will not result in substantial
15 loss to the fund.

C
o
p
y

